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Calendar No. 151.

6TH CONGRESS, }
1st Session. }

SENATE.

{ REPORT
No. 173.

GRAVES OF AMERICAN TROOPS IN FRANCE.

SEPTEMBER 5, 1919.—Ordered to be printed.

U. S. Congress, Senate.

Mr. WADSWORTH, from the Committee on Military Affairs, submitted the following

REPORT

[To accompany S. 2923.]

The Committee on Military Affairs, to which was referred the bill (S. 2923) to provide funds for the care and maintenance of the graves on foreign soil of members of the military forces of the United States has had the bill under consideration and recommends that it pass.

The effect of the bill is to make available for the purpose of caring for the graves of American soldiers abroad of \$200,000 of an appropriation already made in the last sundry civil act for the disposition of the remains of officers, soldiers, and civilian employees of the War Department. The situation to be met is fully explained by the Secretary of War in a letter addressed by him to the chairman of the committee under date of August 20, last, which is as follows:

AUGUST 20, 1919.

THE CHAIRMAN MILITARY AFFAIRS COMMITTEE,
United States Senate.

MY DEAR SENATOR: Under date of July 8, 1919 a cablegram was received from Gen. Pershing in which he gave an outline of the steps that had been taken by the cemeterial branch to maintain and care for the graves of American dead buried in Europe. The arrangements made by Gen. Pershing in regard to this matter were approved on July 18, 1919, and he was advised that the military attachés to Great Britain and Italy would be directed to supervise the maintenance and care of graves in those countries, under instructions and regulations to cover these cases that were then being drafted in the War Department.

In considering all the points raised in Gen. Pershing's cablegram it was apparent that funds would be needed for the purpose of carrying his recommendations into effect and upon looking into the matter it was found that under an opinion of the Judge Advocate General, dated May 15, 1919, published in Digest of Opinions of the Judge Advocate General of the Army of May 15, 1919, there is no appropriation available to carry these instructions and recommendations into effect, and that special authorization for that purpose must be made by Congress.



If this is to be done, it is the opinion of the War Department that it was the intent of Congress to have the matter of caring for the graves of American dead provided for from the appropriation "Disposition of remains of officers, soldiers, and civilian employees," as provided for in Public No. 21, Sixty-sixth Congress, H. R. 7343. This conclusion was reached not so much in the wording of the appropriation as from the fact that the appropriation for 1920 is \$8,451,000 as against an initial appropriation of \$250,000 for 1919 and a deficiency of \$710,000.

The question of whether or not funds from the appropriation above referred to were available for the maintenance and care of the graves of the American dead buried in Europe was taken up informally with the Comptroller of the Treasury and he was of the opinion that more specific authorization from Congress should be given than is contained in the wording of the bill under which the appropriation was made.

In order, therefore, to meet the requirements of the accounting officers of the Treasury in regard to expenditures from the appropriation referred to for the above purpose, may I ask that you take the necessary steps to have the proposed draft of a bill, herewith, enacted into law? No additional appropriation of funds is sought in the legislation requested.

Cordially, yours,

NEWTON D. BAKER.

D. of W.
MAR 15 1920

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